

COMMENTS ON VERSIONS 1 AND 2

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Black is existing rule text. Teal is IDEQ's draft. Pink is Stoel inserts. Green is Stoel notes.

IDEQ described the purposes of these changes as follows – be consistent with federal regulations by incorporating 40 CFR Part 51, Subpart P (40 CFR §51.301-309), incorporate EPA's Appendix Y; codify the BART determination process; and establish rules that enable the long term implementation of the Visibility SIP reasonable progress goals.

IDAPA 58 TITLE 01 CHAPTER 01

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - Rules for the Control of Air Pollution in Idaho

005. DEFINITIONS.

The purpose of Sections 005 through 008 is to assemble definitions used throughout this chapter. (5-1-94)

006. GENERAL DEFINITIONS.

XX. Adverse Impact on Visibility. Currently defined in section 007. Needs to be moved to 006 to cover Visibility SIP implementation Existing definition is consistent with 40 CFR §51.301.

XX. ~~Baseline Condition. still need definition.~~ Deleted by IDEQ in Version 2

XX **Best Available Retrofit Technology (BART).** Means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. (40CFR51.301) Consistent with CFR.

XX **BART-eligible source.** The CFR defines this as “an existing stationary facility as defined in this section.” Then in a separate provision in the CFR has “existing stationary facility” means Any of the following stationary sources of air pollutants, including any reconstructed source, which was not in operation prior to August 7, 1962, and was in existence on August 7, 1977, and has the potential to emit 250 tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. ~~This shall be determined using the criteria in Section II of Appendix Y of 40 CFR Part 51 in effect on July 6, 2005.~~ (40CFR51.301) The CFR definition does not include this last sentence. The need for last sentence is unclear – what does “This” refer to. The cited portion of Appendix Y does not speak to “quantifying” fugitive emissions, if that’s what IDEQ means. If “This” refers to whether a source is BART eligible, then although Appendix Y describes that process, IDEQ need not refer to it in this definition. The OK proposal is consistent with CFR, not this.

- a. Fossil-fuel fired steam electric plants of more than two hundred fifty (250) million BTU's per hour heat input;
- b. Coal cleaning plants (thermal dryers);
- c. Kraft pulp mills;

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- d. Portland cement plants;
- e. Primary zinc smelters;
- f. Iron and steel mill plants;
- g. Primary aluminum ore reduction plants;
- h. Primary copper smelters;
- i. Municipal incinerators capable of charging more than two hundred and fifty (250) tons of refuse per day;
- j. Hydrofluoric, sulfuric, and nitric acid plants;
- k. Petroleum refineries;
- l. Lime plants;
- m. Phosphate rock processing plants;
- n. Coke oven batteries;
- o. Sulfur recovery plants;
- p. Carbon black plants (furnace process);
- q. Primary lead smelters;
- r. Fuel conversion plants;
- s. Sintering plants;
- t. Secondary metal production facilities;
- u. Chemical process plants;
- v. Fossil-fuel boilers of more than two hundred and fifty (250) million BTU's per hour heat input;
- w. Petroleum storage and transfer facilities with a capacity exceeding three hundred thousand (300,000) barrels;
- x. Taconite ore processing facilities;
- y. Glass fiber processing plants; and
- z. Charcoal production facilities.

XX. Cause Visibility Impairment. ~~An individual source, or group of sources,~~ The visibility impairment of a BART-eligible source that ~~cause~~ results in a 1.0 deciview or more change in visibility. **(40CFR5 Appendix Y, Section III A.1.))** Not defined in OK proposal or CFR. Not needed as definition. Makes EPA guidance a rule for Idaho. Alternatively, consider revised language.

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XX. Contributes to Visibility Impairment. ~~An individual source, or group of sources,~~ The visibility impairment of a BART-eligible source that ~~cause~~ results in a 0.5 deciview or more change in visibility. **(40CFR5 Appendix Y, Section III A.1.))** Not defined in OK proposal or CFR. Not needed as definition. Makes EPA guidance a rule for Idaho. Alternatively, consider revised language.

XX. Deciview. A measurement of visibility impairment. A deciview is a haze index derived from calculated light extinction, such that uniform changes in haziness correspond to uniform incremental changes in perception across the entire range of conditions, from pristine to highly impaired. The deciview haze index is calculated based on the following equation (for the purposes of calculating deciview, the atmospheric light extinction coefficient must be calculated from aerosol measurements): **(40CFR51.301)** Consistent with CFR definition.

a. Deciview Haze Index = $10 \ln_e (b_{\text{ext}}/10\text{Mm}^{-1})$

Where b_{ext} = the atmospheric light extinction coefficient, expressed in inverse megameters (Mm^{-1})

XX. Federal Class I area is defined in section 006, but current version is inconsistent with 40 CFR §51.301. Recommend revise IDAPA to track CFR.

XX. Federal Land Manager is defined in section 006, but current version is inconsistent with 40 CFR §51.301. Recommend revise IDAPA to track CFR.

XX. Federally enforceable is defined in 40 CFR §51.301 and means all limitations and conditions which are enforceable by the Administrator under the Clean Air Act including those requirements developed pursuant to parts 60 and 61 of this title, requirements within any applicable State Implementation Plan, and any permit requirements established pursuant to §52.21 of this chapter or under regulations approved pursuant to part 51, 52, or 60 of this title. Recommend add definition for Visibility SIP purposes.

XX. Fixed capital cost is defined in 40 CFR §51.301 and means the capital needed to provide all of the depreciable components. Recommend add definition for Visibility SIP purposes.

XX. In existence is defined in 40 CFR §51.301 (and the OK proposal) and means that the owner or operator has obtained all necessary pre-construction approvals or permits required by federal, state, or local air pollution emissions and air quality laws or regulations and either has (1) begun, or caused to begin, a continuous program of physical on-site construction of the facility or (2) entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility to be completed in a reasonable time. Recommend add definition for Visibility SIP purposes.

XX. In operation is defined in 40 CFR §51.301 (and the OK proposal) and means engaged in activity related to the primary design function of the source. Recommend add definition for Visibility SIP purposes.

XX. Integral vista. Currently defined in section 007. Needs to be moved to 006 to cover Visibility SIP implementation Existing definition is inconsistent with §51 CFR 301. (IDAPA includes last sentence not in CFR)

XX. Least Impaired Days. The average visibility impairment (measured in deciviews) for the twenty percent (20%) of monitored days in a calendar year with the lowest amount of visibility impairment. **(40CFR51.301)** Consistent with 40 CFR §51.301

XX. Most Impaired Days. The average visibility impairment (measured in deciviews) for the twenty percent (20%) of monitored days in a calendar year with the highest amount of visibility impairment. **(40CFR51.301)** Consistent with 40 CFR §51.301

XX. Mandatory Class I Federal Area. Currently defined in section 007. Needs to be moved to 006 to cover Visibility SIP implementation Existing definition is inconsistent with 40 CFR §51 CFR 301 (citation should

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be to part 81, subpart D; and “never to be redesignated” is not included in the CFR). OK proposal tracks CFR. Recommend revise IDAPA to track CFR.

XX. Natural Conditions. Includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration. **(40CFR51.301)** Consistent with 40 CFR §51.301

XX. Potential to Emit. Currently defined in section 006. IDAPA is inconsistent with 40 CFR §51.301 (insert sentence at the end as follows: “Secondary emissions do not count in determining the potential to emit of a stationary source.”) OK proposal tracks CFR.

~~**XX. Reasonable Progress Goal.** The visibility improvement that results from emission reductions that are determined to be reasonable through the Regional Haze SIP development process and is expressed in deciviews. The RPG is specific to each individual Class I area in accordance with Section XXX. Reasonable Progress Goals. (40 CFR 51.30(d))~~ Added by IDEQ in Version 2. Not defined in OK proposal or CFR. Reference to definition in CFR is unclear. Recommend deleting.

~~**XX. Reasonably Attributable.** Attributable by visual observation or any other technique the Department deems appropriate. (40CFR51.301)~~ Recommend deleting because concept inapplicable to Regional Haze SIP. Applies to RAVI portion of rules only.

XX. Regional Haze. Visibility impairment that is caused by the emission of air pollutants from numerous sources located over a wide geographic area. Such sources include, but are not limited to, major and minor stationary sources, mobile sources, and area sources. **(40 CFR51.301)** Consistent with CFR

XX. Secondary emissions. Currently defined in section 007. Needs to be moved to 006 to cover Visibility SIP implementation Existing definition is inconsistent with 40 CFR §51.301. OK proposal tracks CFR. Recommend revise IDAPA to track CFR.

XX. Significant impairment is defined in 40 CFR §51.301 and means, for purposes of 40 CFR §51.303, visibility impairment which, in the judgment of the [Department], interferes with the management, protection, preservation, or enjoyment of the visitor’s visual experience of the mandatory Class I federal area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with (1) time of visitor use of the mandatory Class I federal area, and (2) the frequency and timing of natural conditions that reduce visibility. Recommend adding for purposes of Visibility SIP.

~~**XX. Uniform Rate of Progress.**~~ Deleted by IDEQ in Version 2.

~~**XX. Visibility Impairing Pollutant.** Those pollutants which have been determined to cause visibility impairment. The following pollutants are identified as visibility impairing pollutants: NO_x, SO₂, particulate matters (PM), ammonia and ammonia compounds, and VOCs. (70 Fed.Reg. 39104, 39160, Appendix Y.II).~~ **Added by IDEQ in Version 2. Not defined in CFR, only in EPA guidance. Ammonia and VOCs not required to be considered by State. Recommend deleting.**

XX. Visibility Impairment. Currently defined in section 007. Needs to be moved to 006 to cover Visibility SIP implementation. Existing definition is not consistent with 40 CFR §51.301, however. (insert “light extinction” within the parenthetical). Recommend revise IDAPA to track CFR. Need to confirm proper use of term throughout other definitions and rules.

XX. Visibility in any mandatory Class I federal area is defined in 40 CFR §51.301 (and the OK proposal) and includes any integral vista associated with that area. Recommend adding for purposes of Visibility SIP.

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107. INCORPORATIONS BY REFERENCE.

01. General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term “documents” includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-1-94)

03. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (5-1-94)

d. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Protection of Visibility, Identification of Integral Vistas, Subsection a, 40 CFR Part 51.304(a), revised as of July 1, 2005. (40 CFR 51.301, 304(a), 308(d) *Lisa checking on this.*) Revised by IDEQ in Version 2. (4-6-05)

~~**X.** Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Appendix Y to Part 51—Guidelines for BART Determinations Under the Regional Haze Rule. 40 CFR Parts 51 and 52 revised as of xxxx.~~ Incorporation by reference here makes EPA guidance rule under IDAPA. Recommend deleting and that Appendix Y is not incorporated by reference. Need to leave sources ability to negotiate determinations applying as guidance --- not recast as rule in Idaho. OK proposal incorporates by reference.

203. PERMIT REQUIREMENTS FOR NEW AND MODIFIED STATIONARY SOURCES.

No permit to construct shall be granted for a new or modified stationary source unless the applicant shows to the satisfaction of the Department all of the following: (5-1-94)

01. Emission Standards. The stationary source or modification would comply with all applicable local, state or federal emission standards. (5-1-94)

02. NAAQS. The stationary source or modification would not cause or significantly contribute to a violation of any ambient air quality standard. (5-1-94)

~~**XX. Effect on Visibility.** If the stationary source or modification is located within XX kilometers of any Federal Class I area, Class I area designated by the Department, or integral vista of a mandatory federal Class I area, the effect on visibility by the new facility or modification is consistent with making reasonable progress toward the established reasonable progress goals as identified for individual federal Class I areas. This will be determined on a case-by-case basis taking into consideration the costs of compliance, the time necessary for compliance, the energy and non air quality environmental impacts of compliance and the useful life of the source. Any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the criteria adopted pursuant to 40 CFR Part 51.304(a), may be exempted from this requirement by the Department. (text copied from 58.01.01.204.d and the insert is from 40 CFR 51.307(c))~~

Recommend deleting. Federal regulations address SIP requirements for major sources and major mods, but do not expressly require this minor NSR revision. IDEQ reported in the March 21 meeting a concern for minor source PTCs within a certain distance of Class I area. No proposal from IDEQ about distance (see blank above). IDEQ said it needs authority to review PTC applications for impacts to long term visibility progress. Need explanation from IDEQ about necessity of this as part of Regional Haze SIP. IDEQ is particularly concerned about mining operations close (< 1mile) from a Class I area. Recommend that IDEQ discuss in the SIP that minor source increases will not significantly impact progress to the goals, and therefore don't need to be further review. See, 40 CFR §51.306(f). If the issue is mining related emissions, then recommend that IDEQ further explain that issue. As written this will impose a new PTC hurdle on more sources than IDEQ identified as contributing to a problem. IDEQ has already stated that controlling large sources won't enable them to achieve the SIP goals, so what is the environmental benefit of burdening minor sources.

03. Toxic Air Pollutants. Using the methods provided in Section 210, the emissions of toxic air pollutants from the stationary source or modification would not injure or unreasonably affect human or animal life or

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vegetation as required by Section 161. Compliance with all applicable toxic air pollutant carcinogenic increments and toxic air pollutant non-carcinogenic increments will also demonstrate preconstruction compliance with Section 161 with regards to the pollutants listed in Sections 585 and 586. (6-30-95)

204. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN NONATTAINMENT AREAS.

New major facilities or major modifications proposed for location in a nonattainment area and which would be major for the nonattainment regulated air pollutant are considered nonattainment new source review (NSR) actions and are subject to the requirements in Section 204. Section 202 contains application requirements and Section 209 contains processing requirements for nonattainment NSR permitting actions. The intent of Section 204 is to incorporate the federal nonattainment NSR rule requirements. (4-6-05)

01. Incorporated Federal Program Requirements. Requirements contained in the following subparts of 40 CFR 51.165, revised as of July 1, 2005, are hereby incorporated by reference. Requirements contained in the following subparts of 40 CFR 52.21, revised as of July 1, 2005, are hereby incorporated by reference. These CFR sections have been codified in the electronic CFR which is available at www.gpoaccess.gov/ecfr.

40 CFR Reference	40 CFR Reference Title
40 CFR 51.165(a)(1)	Definitions
40 CFR 51.165(a)(2)(ii)(A) - (J)	Applicability Provisions
40 CFR 51.165(a)(6)(i) - (v)	Applicability Provisions
40 CFR 51.165(c)	Clean Unit Test for Emission Units that are Subject to LAER
40 CFR 51.165(d)	Clean Unit Provisions for Emission Units that Achieve an Emission Limitation Comparable to LAER
40 CFR 52.21(z)(1) - (3) and (6)	PCP Exclusion Procedural Requirements
40 CFR 52.21(aa)	Actual PALs

(4-11-06) IDEQ revised dates in Version 2.

02. Additional Requirements. The applicant must demonstrate to the satisfaction of the Department the following: (4-6-05)

a. LAER. Except as otherwise provided in Section 204, the new major facility or major modification would be operated at the lowest achievable emission rate (LAER) for the nonattainment regulated air pollutant, specifically: (4-6-05)

i. A new major facility would meet the lowest achievable emission rate at each new emissions unit which emits the nonattainment regulated air pollutant; and (4-5-00)

ii. A major modification would meet the lowest achievable emission rate at each new or modified emissions unit which has a net emissions increase of the nonattainment regulated air pollutant. (4-5-00)

b. Required offsets. Allowable emissions from the new major facility or major modification are offset by reductions in actual emissions from stationary sources, facilities, and/or mobile sources in the nonattainment area so as to represent reasonable further progress. All offsetting emission reductions must satisfy the requirements for emission reduction credits (Section 460) and provide for a net air quality benefit which satisfies the requirements of Section 208. If the offsets are provided by other stationary sources or facilities, a permit to construct shall not be issued for the new major facility or major modification until the offsetting reductions are made enforceable through the issuance of operating permits. The new major facility or major modification may not commence operation, and an operating permit for the new major facility or major modification shall not be effective before the date the offsetting reductions are achieved. (4-5-00)

c. Compliance status. All other sources in the State owned or operated by the applicant, or by any entity controlling, controlled by or under common control with such person, are in compliance with all applicable emission limitations and standards or subject to an enforceable compliance schedule. (5-1-94)

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d. Effect on visibility. ~~The effect on visibility of any federal Class I area, Class I area designated by the Department, or integral vista of a mandatory federal Class I area, by the new major facility or major modification is consistent with making reasonable progress toward~~ That the source's emissions will be consistent with making reasonable progress toward the national visibility goal referred to in [§51.300(a)]. The [Department] may take into account the ~~the established reasonable progress goals as identified for individual federal Class I areas. This will be determined on a case-by-case basis taking into consideration the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the useful life of the source.~~ Any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the criteria adopted pursuant to 40 CFR Part 51.304 ~~(a)~~ **(d)**, may be exempted from Section 204 by the Department. (4-6-05)
(TEXT AND THE INSERT IS FROM 40 CFR 51.307(C))

The proposed edits are more consistent with 40 CFR §§ 51.306(d) and §51.307(c). Need further review to confirm proper wording for current review requirement and regional haze. Consider two subsections to address this.

03. Nonmajor Requirements. If the proposed action meets the requirements of an exemption or exclusion under the provisions of 40 CFR 51.165 or 40 CFR 52.21 incorporated in Section 204, the nonmajor facility or stationary source permitting requirements of Sections 200 through 228 apply, including the exemptions in Sections 220 through 223. (4-6-05)

205. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN ATTAINMENT OR UNCLASSIFIABLE AREAS.

The prevention of significant deterioration (PSD) program is a construction permitting program for new major facilities and major modifications to existing major facilities located in areas in attainment or in areas that are unclassifiable for any criteria air pollutant. Section 202 contains application requirements and Section 209 contains processing requirements for PSD permit actions. The intent of Section 205 is to incorporate the federal PSD rule requirements. (4-6-05)

01. Incorporated Federal Program Requirements. Requirements contained in the following subparts of 40 CFR 52.21, revised as of July 1, 2005 are hereby incorporated by reference. These CFR sections have been codified in the electronic CFR which is available at www.gpoaccess.gov/ecfr.

40 CFR Reference	40 CFR Reference Title
40 CFR 52.21(a)(2)	Applicability Procedures
40 CFR 52.21(b)	Definitions
40 CFR 52.21(i)	Review of Major Stationary Sources and Major Modifications - Source Applicability and Exempting
40 CFR 52.21(j)	Control Technology Review
40 CFR 52.21(k)	Source Impact Analysis
40 CFR 52.21(r)	Source Obligation
40 CFR 52.21(v)	Innovative Control Technology
40 CFR 52.21(w)	Permit Rescission
40 CFR 52.21(x)	Clean Unit Test
40 CFR 52.21(y)	Clean Unit Provisions for Emissions Units that Achieve an Emission Limit Comparable to BACT
40 CFR 52.21(z)(1) - (3) and (6)	PCP Exclusion Procedural Requirements
40 CFR 52.21(aa)	Actual PALS

(4-11-06) IDEQ revised dates in Version 2.

02. Exception to Incorporation by Reference of 40 CFR 52.21. Every use of the word Administrator in 40 CFR 52.21 means the Department except for the following: (4-6-05)

a. In 40 CFR 52.21(b)(17), the definition of federally enforceable, Administrator means the EPA Administrator. (4-6-05)

b. In 40 CFR 52.21(l)(2), air quality models, Administrator means the EPA Administrator. (4-6-05)

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c. In 40 CFR 52.21(b)(43), permit program approved by the Administrator, Administrator means the EPA Administrator. (4-6-05)

d. In 40 CFR 52.21(b)(48)(ii)(c), MACT standard that is proposed or promulgated by the Administrator, Administrator means the EPA Administrator. (4-6-05)

e. In 40 CFR 52.21(b)(50)(i), regulated NSR pollutant as defined by Administrator, Administrator means the EPA Administrator. (4-6-05)

f. In 40 CFR 52.21(y)(4)(i), Administrator for BACT, LAER and RACT clearinghouse, Administrator means the EPA Administrator. (4-6-05)

03. Nonmajor Requirements. If the proposed action meets the requirements of an exemption or exclusion under the provisions of 40 CFR 52.21 incorporated in Section 205, the nonmajor facility or stationary source permitting requirements of Sections 200 through 228 apply, including the exemptions in Sections 220 through 223. (4-6-05)

XX. Effect on visibility. ~~The effect on visibility of any federal Class I area, Class I area designated by the Department, or integral vista of a mandatory federal Class I area, by the new major facility or major modification is consistent with making reasonable progress toward~~ Review of any major stationary source or major modification application shall ensure that the source's emissions will be consistent with making reasonable progress toward the national visibility goal referred to in [§51.300(a)]. The [Department] may take into account the ~~the established reasonable progress goals as identified for individual federal Class I areas. This will be determined on a case-by-case basis taking into consideration the costs~~ the established reasonable progress goals as identified for individual federal Class I areas. This will be determined on a case-by-case basis taking into consideration the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance and the useful life of the source. Any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the criteria adopted pursuant to 40 CFR Part 51.304(a)(d) may be exempted from this requirement by the Department. *(text copied from 58.01.01.204.d and the insert is from 40 CFR 51.307(c))*

The proposed edits are more consistent with 40 CFR §§ 51.306(d) and 51.307(c). Need further review to confirm proper wording for current review requirement and regional haze. Consider two subsections to address this.

577. AMBIENT AIR QUALITY STANDARDS FOR SPECIFIC AIR POLLUTANTS.

578. DESIGNATION OF ATTAINMENT, UNCLASSIFIABLE, AND NONATTAINMENT AREAS.

579. BASELINES FOR PREVENTION OF SIGNIFICANT DETERIORATION.

580. CLASSIFICATION OF PREVENTION OF SIGNIFICANT DETERIORATION AREAS.

581. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) INCREMENTS.

582. INTERIM CONFORMITY PROVISIONS FOR NORTHERN ADA COUNTY FORMER NONATTAINMENT AREA FOR PM-10.

583. -- 584. (RESERVED).

ACCORDING TO IDEQ ON MARCH 21 THIS PROPOSAL IS TO AUTHORIZE BART DETERMINATION PROCESS AND THE ESTABLISHMENT OF LONG TERM REASONABLE PROGRESS GOALS. PLEASE SEE COMMENTS ABOVE ABOUT CERTAIN DEFINITIONS IN IDAPA 007 THAT NEED TO MOVE TO IDAPA 006 TO ALIGN WITH THESE PROVISIONS.

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~~XXX. REGIONAL HAZE RULES.~~

~~The purpose of Sections XXX through XXX is to ensure that reasonable progress is made toward the established reasonable progress goals as identified for each individual Class I federal area. Recommend deleting because this sentence is without context.~~

XXX. **REGIONAL HAZE SIP.** The purpose of Sections XXX through XXX is to implement the Regional Haze SIP for Idaho and to assure reasonable progress toward the goal of preventing any future, and remedying any existing impairment of visibility in Mandatory Class I Federal Areas which impairment results from manmade air pollution. Revised to track 40 CFR §51.300(a).

XXX. REGIONAL HAZE SIP: BART REQUIREMENTS FOR REGIONAL HAZE

The purpose of this Section is to implement the BART requirements in 40 CFR §51.308(e). The following analysis and documentation is required for each BART-eligible source:

01. The Department shall identify a list of all BART-eligible sources within the State. Recommend revising to track 40 CFR §51.308(e)(1)(i)

02. The Department shall complete a determination of BART for each BART-eligible source in the State that emits any air pollutant which may reasonably be anticipated to cause or contribute to any impairment of visibility in any mandatory Class I Federal area. All such sources are subject to BART. This determination must be based upon the following analyses: Recommend revising to track 40 CFR §51.308(e)(1)(ii)

a. An analysis of the best system of continuous emission control technology available and associated emission reductions achievable for each BART-eligible source within the State subject to BART. In this analysis, the State must take into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use at the source, and the remaining useful life of the source; and Recommend revising to track 40 CFR §51.308(e)(1)(ii)(A)

b. An analysis of the degree of visibility improvement that would be achieved in each mandatory Class I Federal area as a result of the emission reductions achievable from all sources subject to BART located within the region that contributes to visibility impairment in the Class I area, based on the analysis conducted under paragraph 02.a(i) of this section. Recommend revising to track 40 CFR §51.308(e)(1)(ii)(B)

03. If the [Department] determines in establishing BART that technological or economic limitations on the applicability of measurement methodology to a particular source would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice, or other operational standard, or combination thereof, to require the application of BART. Such standard, to the degree possible, is to set forth the emission reduction to be achieved by implementation of such design, equipment, work practice, or operation and must provide for compliance by means which achieve equivalent results. Recommend revising to track 40 CFR §51.308(e)(1)(iii)

04. Each source subject to BART shall install and operate BART as expeditiously as practicable, but in no event later than 5 years after approval of the SIP. Recommend adding to track 40 CFR §51.308(e)(1)(iv).

05. Each source subject to BART shall maintain the control equipment required [by the Department] and establish procedures to ensure such equipment is properly operated and maintained. Recommend adding to track 40 CFR §51.308(e)(1)(v).

06. The owner or operator of a BART-eligible source may request a waiver from the Department that a BART determination is not required:

a. For SO₂ or for NO_x if the BART-eligible source has the potential to emit less than 40 TPY of such pollutant(s), or

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b. For PM₁₀ if the BART-eligible source has the potential to emit less than 15 TPY.

Copied from IDEQ draft language proposed below. What is regulatory citation for this level of exemption?

~~01. Incorporated Federal Program Recommendations.~~ Recommendations contained in the following Sections of Appendix Y to 40 CFR 51 Guidelines for BART Determinations under the Regional Haze Rule revised as of July 15, 2005, are hereby incorporated by reference. These Appendix Y sections have been codified in the electronic CFR which is available at www.gpoaccess.gov/eefr.

Appendix Y Reference	Appendix Y Reference Title
II	How to Identify BART-eligible Sources
III	How to Identify Sources "Subject to BART"
IV	The BART Determination: Analysis of BART Options
V	Enforceable Limits/Compliance Date

Recommend deleting incorporation of Appendix Y. Incorporation makes EPA guidance rule under IDAPA.

~~02. BART Applicability.~~ BART-eligibility shall be determined using Section II of Appendix Y to 40 CFR 51 Guidelines for BART Determinations under the Regional Haze Rule. Recommend deleting this reference to Appendix Y.

a. Each BART-eligible source that emits any air pollutant which may reasonably be anticipated to cause or contribute to visibility impairment as defined in Section 006 in any mandatory Class I Federal area is subject to BART. ~~40CFR51.308(e)(1)(ii)~~ This shall be determined using the criteria in Section III of Appendix Y to 40 CFR 51 Guidelines for BART Determinations under the Regional Haze Rule. Recommend deleting this reference to Appendix Y.

b. Air pollutants emitted by sources which may reasonably be anticipated to cause or contribute to visibility in any mandatory Class I Federal area are NO_x, SO₂, particulate matter (PM), ammonia and ammonia compounds, and VOCs. Ammonia, ammonia compounds, and VOCs will be included if the emissions from a source are likely to have an impact on visibility in an area. ~~(40CFR51 Appendix Y Section II, Step 3)~~ Recommend deleting language from Appendix Y. Inclusion in IDAPA makes EPA guidance into rule under IDAPA.

e. The owner or operator of a BART-eligible source may request a waiver from the Department that a BART determination is not required: ()

i. For SO₂ or for NO_x if the BART-eligible source has the potential to emit less than 40 TPY of such pollutant(s), or ()

ii. For PM₁₀ if the BART-eligible source has the potential to emit less than 15 TPY. ()
Included in subsection 06 above.

~~03. BART Determination.~~ The owner or operator of a BART-eligible source that emits any air pollutant which causes or contributes to visibility impairment, as defined in Section 006, in any mandatory Class I Federal area shall have established emissions limitations by the application of BART. ~~40CFR51.308(e)(1)(ii)(A)~~

a. The determination of BART shall be completed using the criteria in Section IV of Appendix Y to 40 CFR 51 Guidelines for BART Determinations under the Regional Haze Rule;

b. After the level of control that represents BART is determined, an emission limit representing this level of control must be established using the criteria in Section V of Appendix Y to 40 CFR 51 Guidelines for BART Determinations under the Regional Haze Rule;

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- ~~e. The owner or operator of each BART-eligible source subject to BART shall obtain a permit that requires the installation and operation of BART no later than 5 years after EPA approves the Idaho Regional Haze State Implementation Plan. **40CFR51(e)(iv)**~~
- ~~d. The owner or operator of each source subject to BART shall maintain the control equipment required by this Section and establish procedures to ensure such equipment is properly and continuously operated and maintained. **40CFR51(e)(v)**~~

See proposed revisions above. These subsections are included in proposal subsections 02,03,04, and 05.

- ~~e. The owner or operator of any BART-eligible source that emits any air pollutant which causes or contributes to visibility impairment in any mandatory Class I Federal area must provide a BART analysis at such times, as determined by the Director, as new technology for control of the pollutant becomes reasonably available if:~~
 - ~~i. the pollutant is emitted by that BART-eligible source; and~~
 - ~~ii. controls representing BART for the pollutant have not previously been required under this Section; IDEQ deleted in Version 2.~~

~~**07.** Any BART-eligible source that might cause or contribute to impairment of visibility in any mandatory Class I federal area must perform a BART analysis at such times, as determined by the Director, as new technology for control of the pollutant becomes reasonably available if:~~

- ~~—— i. The pollutant is emitted by that BART-eligible facility,~~
- ~~—— ii. Controls representing BART for the pollutant have not previously been required under this Section, and~~
- ~~—— iii. The impairment of visibility in any mandatory Class I federal area is reasonably attributable to the emissions of that pollutant. (*40 CFR 51.302.(e)(4)(v)*). Recommend deleting because part of RAVI, not Reg Haze.~~

~~**08 BART Alternative.** As an alternative to the installation of BART for a source or sources, the Department may approve a BART alternative. If the Department approves source grouping as a BART alternative, only sources (including BART-eligible and non-BART-eligible sources) within the same source category (as defined by SIC or NAICS code) within the same airshed may be grouped together. (——)~~

~~a. If a source(s) proposes a BART alternative, the resultant emissions reduction and visibility impacts must be compared with those that would result from the BART options evaluated for the source(s). (——)~~

~~b. Source(s) proposing a BART alternative shall include in the BART analysis an analysis and justification of the averaging period and method of evaluating compliance with the proposed emission limitation. (**40CFR51.308(e)(2)**) (——)~~

Recommend deleting because CFR reference relates to trading program not likely to be implemented in Idaho.

~~**07. Reasonable Progress Goal Requirements for BART-Eligible Sources.** Once the Department has met the requirements for BART or BART alternative, as identified in this section, BART-eligible sources will be subject to the requirements of reasonable progress goals, as defined in 40 CFR51.308(d), in the same manner as other sources. (**40CFR51.308(e)(3)**) (——)~~

XXX. Exemption from BART Requirements. (40CFR51.303**)**

- a. The owner or operator of any BART-eligible source subject to the requirements of this Section to install, operate, and maintain BART may apply to the EPA Administrator for exemption from that requirement.
- b. Should the owner or operator of a BART-eligible source wish to apply for exemption as provided for in 40CFR51.303, such application must be accompanied by a written concurrence from the Director.

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XXX. REGIONAL HAZE SIP: LONG TERM STRATEGY FOR REASONABLE PROGRESS

The purpose of this section is to ~~develop the authority to determine~~ establish a long term plan for making progress toward the goal of preventing any future, and remedying any existing impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution. ~~the reasonable progress goals for each Class I federal area in the Regional Haze SIP and to be able to regulate and enforce on them.~~

Recommend revising to track goal stated at 40 CFR §51.300(a).

XXX. REGIONAL HAZE SIP: REASONABLE PROGRESS GOALS. For each mandatory Class I federal area located within Idaho, the Department must establish Reasonable progress goals, expressed in deciviews, that ~~will be determined for each mandatory Class I federal area located within Idaho. These goals will~~ provide for reasonable progress towards achieving natural visibility conditions. The reasonable progress goals must provide for an improvement in visibility for the most impaired days over the period of the implementation plan and ensure no degradation in visibility for the least impaired days over the same period. (40 CFR 51.308(d))

IDEQ added in Version 2. Recommended edits to track more closely to 40 CFR 51.308(d)(1).

01. In establishing a reasonable progress goal for a mandatory Class I federal area within Idaho, the Department shall: IDEQ added in Version 2.

a. Consider the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any potentially affected sources, and include a demonstration showing how these factors were taken into consideration in selecting the goal. 40 CFR 51.308(d)(i)(A) IDEQ added in Version 2. Consistent with 40 CFR 51.308(d)(1)(i)(A).

b. ~~Include all anthropogenic sources of visibility impairing pollutants (emissions). These sources include, but are not limited to, mobile, area, and point sources.~~ IDEQ added in Version 2.

Recommend deleting this general statement and follow CFR language. This sentence does not reflect 40 CFR 51.308(d)(1)(i)(B). Other elements of the process are not addressed by IDEQ, see 40 CFR 51.308(d). Consider deleting both subsections a and b and insert at 01 the following: “follow 40 CFR 51.308(d).”

~~**XXX. OTHER CONTROL MEASURES FOR REGIONAL HAZE — This is a placeholder for any other requirements.**~~ Deleted by IDEQ in Version 2.

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RULES TO MEET THE SMOKE MANAGEMENT SIP REQUIREMENTS

Elements of an Enhanced smoke management programs for visibility (Source *Western Regional Air Partnership Policy on Enhanced Smoke Management Programs for Visibility* November 12, 2002, located at http://www.wrapair.org/forums/fejff/documents/esmptt/policy/030115_ESMP_Policy.pdf)

1. **Actions to minimize emissions from fire** - any burning techniques that reduce the actual amount of emissions produced.
2. **Evaluation of smoke dispersion** – Using meteorological conditions to assess the ability to minimize smoke impacts.
3. **Alternatives to fire** – any method of removing or reducing fuels by mechanical, biological or chemical treatments.
4. **Public notification of burning** – Any method that communicates burn information to the burn community, to air regulators and to the general public. Also includes public education and media relations.
5. **Air quality monitoring** – Observations and/or equipment that enable an assessment of air quality impacts of smoke from fires.
6. **Surveillance and enforcement** – an oversight mechanism that assures adherence to smoke management efforts as defined by the regional haze implementation plan. **What efforts are proposed in the draft SIP?**
7. **Program evaluation** – A mechanism to assess the adequacy of the enhanced smoke management program in meeting the requirements of the Rule.
8. **Burn authorization** – The management approach used to facilitate burn decision-making
9. **Regional coordination** – Communication and information sharing across state/tribe jurisdictional lines.

These are the sections that can be used to meet the requirement of 40CFR51.308(d)(3)(v)(E).

Not sure if IDEQ intends to revise these existing rules to fulfill SIP requirement for Smoke Management. **What is impact to current volunteer Idaho/Montana program? What formal requirements may be imposed upon participants to address visibility?**

006. GENERAL DEFINITIONS.

75. Prescribed Fire Management Burning. The controlled application of fire to wildland fuels in either their natural or modified state under such conditions of weather, fuel moisture, soil moisture, etc., as will allow the fire to be confined to a predetermined area and at the same time produce the intensity of heat and rate of spread required to accomplish planned objectives, including: (5-1-94)

- a. Fire hazard reduction; (5-1-94)
- b. The control of pests, insects, or diseases; (5-1-94)
- c. The promotion of range forage improvements; (5-1-94)
- d. The perpetuation of natural ecosystems; (5-1-94)
- e. The disposal of woody debris resulting from a logging operation, the clearing of rights of way, a land clearing operation, or a driftwood collection system; (5-1-94)
- f. The preparation of planting and seeding sites for forest regeneration; and (5-1-94)
- g. Other accepted natural resource management purposes. (5-1-94)

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94. Smoke Management Plan. A document issued by the Director to implement Sections 606 through 616, Categories of Allowable Burning. (5-1-94)

95. Smoke Management Program. A program whereby meteorological information, fuel conditions, fire behavior, smoke movement and atmospheric dispersal conditions are used as a basis for scheduling the location, amount and timing of open burning operations so as to minimize the impact of such burning on identified smoke sensitive areas. (5-1-94)

600. RULES FOR CONTROL OF OPEN BURNING.

The purpose of Sections 600 through 617 is to reduce the amount of emissions and minimize the impact of open burning to protect human health and the environment from air pollutants resulting from open burning *as well as reduce the visibility impairment in mandatory Class I federal areas in accordance with Section XXX. Reasonable Progress Goals.* (3-21-03) **IDEQ added in Version 2. Reserve ability to comment once IDEQ drafts rules.**

601. FIRE PERMITS, HAZARDOUS MATERIALS, AND LIABILITY.

Compliance with the provisions of Sections 600 through 617 does not exempt or excuse any person from complying with applicable laws and ordinances of other jurisdictions responsible for fire control or hazardous material disposal or from liability for damages or injuries which may result from open burning. (3-21-03)

602. NONPREEMPTION OF OTHER JURISDICTIONS.

The provisions of Sections 600 through 617 are not intended to interfere with the rights of any city, county or other governmental entities or agencies to provide equal or more stringent control of open burning within their respective jurisdictions. (3-21-03)

603. GENERAL RESTRICTIONS.

01. Categories and Materials. No person shall allow, suffer, cause or permit any open burning operation unless it is a category of open burning set forth in Sections 600 through 617 and the materials burned do not include any of the following: (3-21-03)

- a.** Garbage, as defined in Section 006. (3-21-03)
- b.** Dead animals, animal parts, or animal wastes (feces, feathers, litter, etc.) except as provided in Section 616. (3-21-03)
- c.** Motor vehicles, parts, or any materials resulting from a salvage operation. (3-21-03)
- d.** Tires or other rubber materials or products. (3-21-03)
- e.** Plastics. (3-21-03)
- f.** Asphalt or composition roofing or any other asphaltic material or product. (3-21-03)
- g.** Tar, tar paper, waste or heavy petroleum products, or paints. (3-21-03)
- h.** Lumber or timbers treated with preservatives. (3-21-03)
- i.** Trade waste, as defined in Section 006, except as specifically allowed under Sections 600 through 617. (3-21-03)
- j.** Insulated wire. (3-21-03)
- k.** Pathogenic wastes. (3-21-03)
- l.** Hazardous wastes. (5-1-94)

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02. Air Pollution Episodes. No person shall allow, suffer, cause or permit any open burning to be initiated during any stage of an air pollution episode declared by the Department in accordance with Sections 550, through 562. (3-21-03)

03. Emergency Authority. In accordance with Title 39, Chapter 1, Idaho Code, the Department has the authority to require immediate abatement of any open burning in cases of emergency requiring immediate action to protect human health or safety. (3-21-03)

604. -- 605. (RESERVED).

606. CATEGORIES OF ALLOWABLE BURNING.

The purpose of Sections 606 through 617 is to establish categories of open burning that are allowed when done according to prescribed conditions. Unless specifically exempted each category in Sections 606 through 617 is subject to all of the provisions of Sections 600 through 605. (3-21-03)

607. RECREATIONAL AND WARMING FIRES.

Fires used for the preparation of food or for recreational purposes (e.g. campfires, ceremonial fires, and barbecues), or small fires set for handwarming purposes, are allowable forms of open burning. (3-21-03)

608. WEED CONTROL FIRES.

Open outdoor fires used for the purpose of weed abatement such as along fence lines, canal banks, and ditch banks is an allowable forms of open burning. (5-1-94)

609. TRAINING FIRES.

Fires used by qualified personnel to train firefighters in the methods of fire suppression and fire fighting techniques, or to display certain fire ecology or fire behavior effects are allowable forms of open burning. Training facilities shall notify the Department prior to igniting any training fires. Training fires shall not be allowed to smolder after the training session has terminated. Training fires are exempt from Subsections 603.01.c. and 603.01.e. through 603.01.j. (3-21-03)

610. INDUSTRIAL FLARES.

Industrial flares, used for the combustion of flammable gases are allowable forms of open burning. Industrial flares are subject to permitting requirements in Sections 200 through 223. (3-21-03)

611. RESIDENTIAL SOLID WASTE DISPOSAL FIRES.

01. Fires Allowed. Open outdoor fires used to dispose of solid waste (e.g. rubbish, tree leaves, yard trimmings, gardening waste, etc.) excluding garbage produced by the operation of a domestic household is an allowable form of open burning when the following provisions are met: (5-1-94)

a. No scheduled house to house solid waste collection service is available; and (5-1-94)

b. The burning is conducted on the property where the solid waste was generated. (5-1-94)

02. Fires Exempt. Open outdoor fires used to dispose of tree leaves, gardening waste or yard trimmings are exempt from Subsection 611.01.a. when conducted in accordance with local governmental ordinances or rules which allow for the open burning of tree leaves, gardening waste or yard trimming during certain periods of the year. (5-1-94)

612. LANDFILL DISPOSAL SITE FIRES.

The use of fires for the disposal of solid waste at any solid waste landfill disposal site or facility is an allowable form of open burning only if conducted in accordance with IDAPA 58.01.06, "Solid Waste Management Rules and Standards" or the Solid Waste Facilities Act, Chapter 74, Title 39, Idaho Code. (3-21-03)

613. ORCHARD FIRES.

The use of heating devices to protect orchard crops from frost damage and the use of fires to dispose of orchard clippings are allowable forms of open burning when the following provisions are met: (3-21-03)

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01. Open-Pot Heaters. The use of stackless open-pot heaters is prohibited. (5-1-94)

02. Heating Device Opacity. Orchard heating device with visible emissions exceeding forty percent (40%) opacity at normal operating conditions shall not be used. Opacity shall be determined by the procedures contained in Section 625. (3-21-03)

03. Heating Device Emissions. All heaters purchased after September 21, 1970, shall emit no more than one (1.0) gram per minute of solid carbonaceous matter at normal operating conditions as certified by the manufacturer. At the time of purchase, the seller shall certify in writing to the purchaser that all new equipment is in compliance with Section 613. (3-21-03)

04. Orchard Clippings. The open burning of orchard clippings shall be conducted on the property where the clippings were generated. (5-1-94)

614. PRESCRIBED BURNING.

The use of open outdoor fires to obtain the objectives of prescribed fire management burning is an allowable form of open burning when the provisions of Section 614 are met. (5-1-94)

01. Burning Permits or Prescribed Fire Plans. (5-1-94)

a. Whenever a burning permit or prescribed fire plan is required by the Department of Lands, U.S.D.A. Forest Service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed burning shall meet all permit and/or plan conditions and terms which control smoke. (5-1-94)

b. The Department will seek interagency agreements to assure permits or plans issued by agencies referred to in Subsection 614.01.a. provide adequate consideration for controlling smoke from prescribed burning. (5-1-94)

02. Smoke Management Plans for Prescribed Burning. (5-1-94)

a. Whenever a permit or plan is not required by the Department of Lands, U.S.D.A. Forest Service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed burning shall meet all conditions set forth in a Smoke Management Plan for Prescribed Burning. (5-1-94)

b. The Department will develop and put into effect a Smoke Management Plan for Prescribed Burning consistent with the purpose of Sections 600 through 616. (5-1-94)

03. Rights-Of-Way Fires. The open burning of woody debris generated during the clearing of rights of way shall be open burned according to Sections 38-101 and 38-401, Idaho Code, IDAPA 20 Title 16 and Sections 606 through 616 of these rules. (5-1-94)

615. DANGEROUS MATERIAL FIRES.

Fires used or permitted by a public or military fire chief to dispose of materials (including military ordnance) which present a danger to life, valuable property or the public welfare, or for the purpose of prevention of a fire hazard when no practical alternative method of disposal or removal is available are allowable forms of open burning. (3-21-03)

616. INFECTIOUS WASTE BURNING.

Upon the order of a public health officer, fires used to dispose of diseased animals or infested material are an allowable form of open burning and exempt from Subsection 603.01.k. (3-21-03)

617. CROP RESIDUE DISPOSAL.

The open burning of crop residue on fields where the crops were grown is an allowable form of open burning if conducted in accordance with the Smoke Management and Crop Residue Disposal Act, Chapter 48, Title 22, Idaho Code, and the rules promulgated pursuant thereto, IDAPA 02.06.16, "Crop Residue Disposal Rules". (3-21-03)

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RULES FOR THE CONSTRUCTION ACTIVITIES SIP REQUIREMENT

These are the sections that can be used to meet the requirement of 40CFR51.308(d)(3)(v)(E)(B), with the suggested modifications.

650. RULES FOR CONTROL OF FUGITIVE DUST.

The purpose of Sections 650 through 652 is to require that all reasonable precautions be taken to prevent the generation of fugitive dust. (5-1-94)

651. GENERAL RULES.

All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities, ~~Mandatory Class I Federal~~ areas and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following: (5-1-94)

01. Use Of Water or Chemicals. Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land. (5-1-94)

02. Application Of Dust Suppressants. Application, where practical, of asphalt, oil, water or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dust. (5-1-94)

03. Use Of Control Equipment. Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations. (5-1-94)

04. Covering Of Trucks. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts. (5-1-94)

05. Paving. Paving of roadways and their maintenance in a clean condition, where practical. (5-1-94)

06. Removal Of Materials. Prompt removal of earth or other stored material from streets, where practical. (5-1-94)

652. RULES FOR CONTROL OF FUGITIVE DUST FROM CONSTRUCTION ACTIVITIES NEAR MANDATORY CLASS I FEDERAL AREAS ~~FOR REGIONAL HAZE.~~

~~During construction activities conducted~~ ~~If sources of fugitive dust are located~~ within XX kilometers of a Mandatory Class I Federal area sources and activities causing fugitive dust shall be operated with all reasonable precautions ~~shall be taken~~ to prevent particulate matter from becoming airborne and BMPs shall be employed to reduce the visibility impairment in mandatory Class I areas in accordance with Section XXX. Reasonable Progress Goals.

IDEQ reported that these changes are to address construction activities proximate to Mandatory Class I areas. IDEQ needs to propose the distance that triggers this provision. What is reasonable? How will BMPs be established? Why isn't 651 adequate to achieve reasonable precautions near Mandatory Class I federal areas?